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February 6, 2008

Hon. Shira A. Scheindlin  
United States District Court  
500 Pearl Street  
New York, NY 10007

Re: United States v. Vincent Setteducate  
07 Cr. 1073 (SAS)

Dear Judge Scheindlin:

This letter is written to move, on behalf of the defendant and pursuant to F.R. Crim P., Rule 14, for a severance of Count 3 of the indictment from Counts 1 and 2. I apologize that this motion is one day late, cite pressing other business, and request you consider it even though it is late.

Counts 1 and 2 of the indictment charge Securities Fraud and Mail Fraud with respect to securities of Great American Technologies, Inc. from May, 2002 to November, 2007. These counts are related to similar alleged conduct and are properly joined.

Count 3 charges Criminal Contempt based on alleged violations of a civil injunction entered against the defendant in this Court in 1998. That injunction had nothing to do with Great American Technologies, although the defendant is the same.

Rule 14 provides that the Court may sever a count if joinder of an offense "appears to prejudice a defendant." Here, the prejudice is palpable. At a trial, where the defendant is presumed to be innocent, the jury in considering Counts 1 and 2 will be told that in 1998 Mr. Setteducate violated the securities laws in a different case.

If he did it before, a juror would reason, then he is more likely to have done it again.  
The presumption to which the defendant is entitled is thus completely undermined.  
Severing the Criminal Contempt count would cure

the prejudice and provide for a fair trial.

Thank you for your consideration of this application.

Very truly yours,

Martin R. Stolar

MRS/s

cc: Harry Chernoff, Esq. (Via fax)

Vincent Setteducate